

# **D R A F T**

## **STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2018-**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO FINALIZE AND EXECUTE A REVISED MEMORANDUM OF AGREEMENT BETWEEN THE STATE WATER RESOURCES CONTROL BOARD AND THE DEPARTMENT OF CONSERVATION, DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES REGARDING UNDERGROUND INJECTION CONTROL, DISCHARGES TO LAND, AND OTHER PROGRAM ISSUES**

### **WHEREAS:**

1. The existing Memorandum of Agreement (MOA) between the State Water Resources Control Board (State Water Board) and the Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR), executed in 1988 (1988 MOA), calls for DOGGR to consult with the State Water Board and the regional water quality control boards (collectively Water Boards) during its consideration of Class II underground injection control (UIC) project and permit applications and for the Water Boards to consult with DOGGR during its consideration of waste discharge requirements for discharges of produced water from oil and gas operations.
2. The 1988 MOA provides that the MOA may be modified upon the initiative of either the State Water Board or DOGGR for the purpose of ensuring consistency with state and federal statutes or regulations, or for any other purposes mutually agreed upon.
3. Staff from DOGGR and the Water Boards have met several times over the last two years to update the 1988 MOA, and have produced the draft revised MOA (2018 MOA).
4. In response to increased involvement of the legislature, the Governor's office, the U.S. Environmental Protection Agency, oil and gas operators, and the public, the Water Boards' role in the review of UIC project and aquifer exemption proposals has evolved and expanded.
5. The 2018 MOA reflects how the Water Boards and DOGGR coordinate in administering the state's UIC program, regulating discharges of produced water from oil and gas operations, respond to incidents such as spills, taking enforcement actions, and handling other related issues.
6. The 2018 MOA provides a coordinated approach resulting in a single permit satisfying the statutory obligations of DOGGR and Water Boards and ensuring that the injection of Class II fluids and discharges to land of produced water from oil and gas operations do not cause degradation of waters of the State.
7. State Water Board staff consulted with the regional water quality control boards oil and gas program staff, sought comments from industry groups and non-governmental organizations, and provided a 30-day period for the public to comment on the 2018 MOA. The written comments were due by June 25, 2018. Staff have reviewed and considered public comments.

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8. The execution of the 2018 MOA is not a project under the California Environmental Quality Act (Public Resources Code section 21000 et seq.) because it is not an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

### **THEREFORE BE IT RESOLVED THAT:**

1. The State Water Board authorizes its Executive Director to modify as warranted, finalize and execute the attached 2018 Revised MOA.
2. The State Water Board further authorizes its Executive Director to execute future revisions to the 2018 MOA between the State Water Board and DOGGR, provided that the Executive Director shall bring the following matters to the attention of the members of the State Water Board by appropriate communication prior to taking action:
  - 2.1. Matters of a unique or unusual nature;
  - 2.2. Matters that appear to depart from the policies of the State Water Board;
  - 2.3. Matters involving significant policy questions;
  - 2.4. Highly controversial matters;
  - 2.5. Any matter that a Board Member requests to be brought to the attention of the State Water Board; and
  - 2.6. Any matter that, in the judgment of the Executive Director, should be brought to the attention of the State Water Board.

### **CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held July 24, 2018

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Jeanine Townsend  
Clerk to the Board